

104TH CONGRESS
2D SESSION

S. 1703

To amend the Act establishing the National Park Foundation.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 1996

Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Act establishing the National Park
Foundation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of December 18, 1967 (16 U.S.C. 19e–19n),
4 entitled “An Act to establish the National Park Founda-
5 tion”, is amended:

6 (1) in section 1—

7 (A) by striking “therein” and inserting in
8 lieu thereof “therein, and to develop and imple-
9 ment means of securing funds from the private
10 sector,”; and

1 (B) by striking “to accept and administer
2 such gifts”;

3 (2) in section 3—

4 (i) by inserting “(a)” after “SEC. 3.”;

5 and

6 (ii) by inserting at the end thereof the
7 following—

8 “(b) In furtherance of the purposes of this Act, the
9 Foundation shall have exclusive authority to license or au-
10 thorize persons to use any trademark, tradename, sign,
11 symbol, emblem, insignia, logo, likeness or slogan to rep-
12 resent, promote, or advertise that an individual, company,
13 or particular good or service is an official sponsor or sup-
14 porter of the National Park System, National Park Serv-
15 ice, or any unit of the National Park System: *Provided*,
16 That any license or authorization referred to in this sub-
17 section shall be subject to the prior written approval of
18 the Secretary of the Interior, who may not delegate this
19 authority: *Provided further*, That except as provided in
20 this Act, no person may use for commercial purposes any
21 trademark, tradename, sign, symbol, emblem, insignia,
22 slogan, or related artistic design belonging to the National
23 Park Service.”;

24 (3) in section 4—

1 (A) by inserting “and section 8(b)” be-
 2 tween “transfer” and the comma;

3 (B) by inserting “license,” between
 4 “lease,” and “invest”; and

5 (C) by striking “any business, nor shall the
 6 Foundation” and inserting in lieu thereof
 7 “business for pecuniary profit or gain, except as
 8 provided in section 8(b); operate any commer-
 9 cial establishment or enterprise within any unit
 10 of the National Park System; engage in any
 11 lobbying activities as defined in section 3(7) of
 12 the Lobbying Disclosure Act of 1995 (2 U.S.C.
 13 1602(7)) concerning the management of the
 14 National Park System; or”;

15 (4) in section 8—

16 (A) by inserting “(a)” after “SEC. 8.”; and

17 (B) by inserting at the end the following:

18 “(b) All of the income in the Foundation, net of oper-
 19 ating expenses, any contributions to local government pur-
 20 suant to subsection (a), and reserves determined necessary
 21 or appropriate by the Board, shall be provided to or for
 22 the benefit of the National Park Service.”; and

23 (5) at the end, by inserting the following:

24 “SEC. 11. Whoever, without the authorization of the
 25 Foundation, uses purposes of trade, to induce the sale of

1 any good or service, or to promote any commercial activ-
2 ity, the name of the Foundation, or any trademark,
3 tradename, sign, symbol, emblem, insignia, logo, likeness,
4 or slogan referred to in section 3(b), or any facsimile or
5 simulation thereof, shall be subject to suit in a civil action
6 by the Foundation for the remedies provided in the Act
7 of July 5, 1946 (15 U.S.C. 1051 et seq.) and, additionally,
8 a civil penalty of \$1,000 for each day of such unauthorized
9 use.”.

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